

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

AKF, INC. D/B/A FUNDKITE,

Plaintiff,

v.

Case No. 5:22-cv-00219-GTS-ATB

TBO DISTRIBUTION, LLC,
and
JAMES CLIFTON THIEBAUD,

Defendants.

AMENDED FINAL JUDGMENT ON CONSENT

WHEREAS, on March 7, 2022, Plaintiff AKF, Inc. d/b/a FundKite (“FundKite”) initiated the instant action (“Action”) against TBO Distribution, LLC and James Clifton Thiebaud for breach of a Revenue Purchase Agreement and Guaranty of Performance entered into by the parties hereto on February 9, 2022 (“Revenue Purchase Agreement”);

WHEREAS, on April 13, 2022, the Defendants filed an Answer with Counterclaims against Plaintiff;

WHEREAS, to avoid further expense and litigation, the Parties contemporaneously herewith entered into a settlement agreement, dated July 8, 2022 (“Confidential Settlement Agreement”), permitting the filing of this Consent Judgment under certain circumstances in the event of an uncured monetary default after notice and opportunity to cure;

WHEREAS, the Defendants knowingly, voluntarily, and intelligently: (i) waive any further right to contest the allegations in this Action, jurisdiction and venue; (ii) consent to the entry of

this Judgment on Consent in the United States District Court for the Northern District of New York provided it is pursuant to and in accordance with the terms of the Settlement Agreement; and (iii) understand, acknowledge and consent to the registration, domestication, and enforcement of the Consent Judgment in Texas and in any other state;

IT IS HEREBY ORDERED AND ADJUDGED as follows:

1. The Revenue Purchase Agreement is valid and enforceable.
2. The Defendants have breached the Revenue Purchase Agreement.
3. Consent judgment is hereby entered against the Defendants as follows:
 - a. Consent Judgment is hereby entered, jointly and severally, against TBO Distribution, LLC and James Clifton Thiebaud and in favor of FundKite in the amount of \$126,293.60.
4. Defendants must disclose this Final Judgment on Consent to all their successors and assigns.
5. The Court shall maintain jurisdiction over the parties and subject matter of this civil action for the purpose of interpreting and enforcing this Final Judgment on Consent and the Confidential Settlement Agreement entered into separately by the parties.

The parties hereby consent to the entry of this Final Judgment on Consent.

IT IS SO STIPULATED AND CONSENTED.

TBO Distribution, LLC

By: _____
Name: James Clifton Thiebaud
Title: Authorized Representative

Sworn to before me on this
__ day of May, 2023

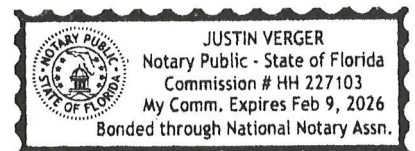
Notary Public

AKF, Inc. d/b/a FundKite

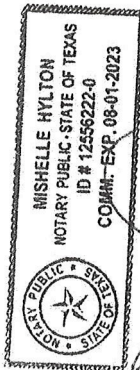
By: _____
Name: Alex Shvarts
Title: Authorized Representative

Sworn to before me on this
20 day of ~~May~~ ^{July}, 2023

Notary Public



IT IS SO STIPULATED AND CONSENTED.



TBO Distribution, LLC

By: [Signature]
Name: James Clifton Thiebaud
Title: Authorized Representative

Sworn to before me on this
20 day of May, 2023

[Signature]
Notary Public

[Signature]
James Clifton Thiebaud, Individually

Sworn to before me on this
20 day of May, 2023

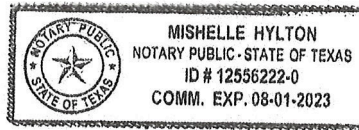
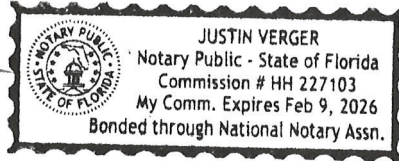
[Signature]
Notary Public

AKF, Inc. d/b/a EandKite

By: [Signature]
Name: Alex Shvarts
Title: Authorized Representative

Sworn to before me on this
20 day of May, 2023

[Signature]
Notary Public



IT IS SO ORDERED.

Dated: 7/20/2023

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[Signature]
Glenn T. Suddaby
U.S. District Judge